

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

JOSEPH W. HIGGINS, PLAINTIFF,

v,

CIVIL ACTION NO. 3:11-cv-01821-PGS -TJB

J.S. DISTRICT COURT

2011 SEP 30 A 11:21

STEPHEN J. BERNSTEIN ET AL, DEFENDANTS.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER

INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 65(b), and incorporating by reference in New Jersey U.S. District Court Docket No. 99-3678 and Docket No. 10-3023 of the original Complaints and proceedings, the plaintiff seeks for Declaratory and injunctive Relief from the original complaint filed in this docket proceeding.

Plaintiff hereby moves this Court to issue a Temporary Restraining order for conspiracy to violate and interfere with, civil rights constitutionally protected. Against the peace and dignity of the people of the

United States. all defendants, severly and jointly, are unlawfully, feloniously, willfully and with intent, involved in a conspiracy to submitt false claims to the United States Treasury office for the custody of three kids, useing false prosecution, false diagnosis, consents, orders, directives, external arrangements or other false method initiating from a New Jersey Essex County Family Court proceeding Docket No. FN-07-251-10 to and FG-07-107-12-wit to claim false allegations of immediate danger or unfit paranthood. Done with the purpose to deprive all family court defendants or any one of them permanantly of their parental rights also constitutionally protected.

Plaintiffs, on behalf of himself, the public and his family as the named plaintiffs , hereby moves this court to forthwith issue a temporary restraining order, pursuant to Fed.R.Civ.P. 65(b), without requiring the giving of notice thereof to defendants or their attorney, restraining and enjoining defendants, its officers, agents, employees, successors, attorneys and all those in active concert or participation with them, from the specific conduct described hereinbelow, pending a hearing and awarding of relief sought via contained in plaintiffs' complaint as other relief in the same action as this motion, and further moves this court for an order setting a date for such hearing. Unless this motion is granted, plaintiffs and all class members will suffer immediate and irreparable harm and injury, as a

result of the actions of defendants before defendants or their attorneys can be heard in opposition hereto, and before a hearing can be had on the relief sought in the filed complaints for a preliminary injunction as more fully appears in the original complaint filed with this action and the declaration filed herewith.

IRREPARABLE HARM

Plaintiff repeats and realleges and incorporates by reference the allegations in all paragraphs hereforth mention in above dockets in this writing with the same force and effect as if herein set forth. As a proximate consequence of the willful and malicious actions of DEFENDANTS, PLAINTIFF'S have sustained extraordinary damage in a sum to be determined per proof, including severe and extreme emotional stress and anguish, parental alienation, lost time, lost business investments, lost business and prosperity, damaged reputation including both slander and libel, interference with the pursuit of happiness, loss of domestic tranquility, loss of general welfare, Denial of access to the courts and the loss of basic liberties such as enjoying life with one's own children in the "best interest of the child"! Damages incurred by Plaintiffs as a direct or indirect consequence to the above mentioned and referenced actions by DEFENDANTS are also incorporated herein as listed in THE COUNTS of the above original complaints.

LIKELIHOOD OF SUCCESS ON THE MERITS.

Plaintiff repeats and realleges and incorporates by reference the allegations in all paragraphs hereforth mention in above dockets with the same force and effect as if herein set forth.

Acting under color of law, all defendants were seeking false criminal prosecution against Joseph W. Higgins as a bases to falsly claim immediate danger to kidnapp two kids in exchange for massive federal funding. With intent to Bring false claim to the United State Treasury office for the payment of three kids. Thereby depriving the defendants or any one of them in the family court proceeding of the parental rights in accord with the court order relied on Feb 9, 2010. The Mother's sworn affidavit shows that she never went back to the court after Jan 5, 2010, the date the civil complaint was dismissed, and seeked a criminal indictable offence Jan 16, 2010. The evidence shows that Youth and Family Services seeked and promoted this criminal prosecution Jan 16, 2010 by falsy useing A desk clerk police named Germaine Poyotte who signed this criminal complaint under certification establishing no probable cause. That they used it to claim immediate danger and took custody of two kids Feb 5, 2010. That all defendants intends to keep useing this Feb 9, 2010 Court order that orders that the kids be placed in state custody upon false allegations that Latasha Solomon filed a Formal Complaint Jan 16, 2010 against Joseph Higgins

for terroristic Threats. That the mother have lost the new born child that the plaintiff is the father of. The new born kid was not even born on Feb 5, 2010. The plaintiff who have been declared innocence of all domestic violence charges in the State of New Jersey and have no domestic violence history do not have a mental health history was properly supervising those kids Feb 5, 2010. Therefore, Latasha Solomon who do not have a criminal record would be innocent of any neglect or abuse. The best interest of the child do not apply in this case because dyfus and Judge Bernstein took the kids through false and criminal activities.

There is a likelihood of success on the merits because the Federal Law strongly prohibits the interference of our constitutionally protected civil rights such as described above. The acts described above are against the peace and dignity of the people of the United States. As a result of defendants concerted unlawful and malicious conduct, Mr. Higgins was both deprived of his rights to equal protection of all the laws and to due process of law, of his right to his property, and due course of justice was impeded in violations of the fourth, fifth, and fourteenth amendments of the Constitution of the United States and 42 U.S.C. section 1985(3); 18. U.S.C. Section 242 as more fully described in the two above dockets. Thus, for this reason, THAT LESS HARM will result to the DEFENDANTS if the TRO issues than to the PLAINTIFF if the TRO does NOT issue;

The first is balancing the "best interests" test with claims of parental rights. Parents have a right to separate, divorce, and move. They have a right to direct the upbringing of their children, including the right to exclude others from that function. They also have procedural rights to contest custody, visitation, and adoption.

What about "living in a free country" or being a member of an ethnic community to which one has ancestral ties? Or does "best interests" mean the interests of the child in nurture and care apart from these considerations?

THAT THE PUBLIC INTEREST WEIGHS IN FAVOR OF THE PLAINTIFF

The primary function of the State Bar Association and the Family Court is to target low income family with medicaid cards, mentally ill, the elderly, welfare, and others to maximize the number of children in the system on false reasons, and for the purpose of obtaining subsidies from federal programs.... These payments in turn benefit DYFS contractors. . The Manufacturing and covering up the corruption lies on the Family Court, Dufus, their legal attorneys and psychologist. (How) the corruption is being played out is described below:

The Federal preemption of family law has spawned dangerous practices nationwide. The unfettered flow of federal dollars to protect kids, for example, has parthenogenically hatched battalions of legal and mental health professionals who have realized that the fabrication of cases

yields a paycheck. It all starts in the local appellate division in trenton where two important entities team

up to ensure federal money continues to flow into the state: The attorney for the child's office and the mental health services offices.

The case in the family court did not include an attorney for the child, but the court assumed that role by deferring totally to the court appointed evaluation.

This appellate court duo have the authority and intention to ensure that a case involving the protection of a child neither ceases nor diminishes throughout its pendency, perhaps for the duration of the minority of the child. This explains why many judgements turn out in favor of the hostile and infit parent so as to keep up the litigation for the money.

This duo also carries the clot of the local appellate division. What the court will determine will most assuredly withstand any appeal. Many family court practitioners declare they don't do appeals because of the force of this duo's authority. Central to their operation is the trial judge in the Superior court of New Jersey Essex County. Often an entry level position, the family court judge has minimal practice experience: They may

never have filed a single notice of appearance in a single case, never gone through discovery and motion practice and may never have done a single trial.

They may not know the role or the management of expert witnesses-psychologists-put on the stand to be qualified as experts and then asked to render an opinion based upon a decade of book learning and years of clinical practice. They certainly would have been incapable of filing and perfecting an appeal. Nevertheless, there sits the family court judge bereft of any experience, legal or otherwise, sitting in judgement of the fate of innocent children by cases driven for monetary reasons by the court and the mental health professional appointed by the court. Turning to the mental health professional, the ruse most people fall for is that a doctorate in psychology is the key to talent in the field of mental health. Quite to the contrary, a doctorate is merely a stepping stone to a career involving the clinical administration of mental health services. The actual handling of cases of subordinate mental health professionals in an organizational hierarchy that serves the public. Further, adding to the baseline qualifications of the psychologist is peer review typically accomplished by the psychologist's foray into publishing his work for the receipt of criticism.

It is noteworthy that the typical government family court psychologist has none of these qualification typically, after a doctorate in psychologist (obtain from an internet university) or perhaps some barely related academic field, the typical psychologist attaches himself to a court and begins to render opinions consistent with the wishes of the court. This generates additional referrals and

eventually, the psychologist appears on court approved lists. The umbrella of a court shields the court appointed psychologist from voir dire, the process of questioning what is it that qualifies this psychologist for court practice, and shield him from peer review, the process of criticism of the psychologist's work product.

In New Jersey family court, it is common practice to impose a protective order on a psychologist's musing about a case. These "reports" are often times simply mailed to the court on an expert basis and appear in the court file. As for the court file, rules regarding confidentiality are exaggerated to such an extent that no one other than the court and the clerk can see the file. Attorneys not formally on the case cannot see these files. Even the psychologist reports may not be distributed to the litigants in the

interest of confidentiality. This cone of silence allows the most sterling abuse to take place and the most unprofessional and unethical conduct to occur by both the court and psychologists. See page 6 of the p-6 attach with the original complaint.

For example, merely by virtue of his appointment as a psychologist by the court, He can meet with a non-custodial parent and a child one year, and then do so the next year and compare the court, the court appointed psychologist can render ridiculous and alarming conclusions. He can declare a virtuous muslim women mother of four children, to be a "slut". He can meet with-a non-custodial parent and a child one year, and then do so the next year and compare the two meetings. For example, the psychologist invited his desire winner to his home and sat with him at his kitchen table. The desire loser was never invited into the court appointed psychologist home. The psychologist can say the non-custodial parent is being alienated from his children if he wishes or he can

say theres no alienation. These meetings are never on the record, there is no ventilation of the indenfication of the parties being met with and not

transcript being made. The report is merely a collection of narrative hearsay presented in a stream of thought format. The conclusion is rendered absent any background in child or family psychology. Hence, as a mini courtroom, any outside entity can influence the decision. Even the judge can direct who should win and the psychologist can fabricate any report. (It is noteworthy that latasha Solomon, the mother of the foregoing proceedings, appears to be missing since Sept 23, 2010. It is to this plaintiff's believe that Dyfus have confiscated this female and have her in a mental institution pursuant to false diagnosis as retaliation and cover up with respect to this case. Latasha Solomon has not played on her facebook since Sept 23rd 2010. Thats not the norm for her. Hence, Latasha Solomon is needed in a criminal pending case at the Newark Municipal Court in complaint no. 2010 019292 State v. Latasha Solomon so the plaintiff can clear her name and bring the truth out with respect to Germaine Poyotte who actually was the police who sign under false certification the criminal complaint that holds those kids.)

Hence, the psychologist has no check and balances, and to the contrary, has the authority of the appellate court to do anything he wants to in a case. The lack of peer review protects the psychologist from licensing complaints. The cases always involve children. These mental health professionals lack even a basic

understanding of family systems or the psychology of infancy or adolescence. A cursory review of the typical psychologist's curricular vitae shows virtually no training, education or background in the psychology of children. Moreover, these untrained, unprincipled and court protected psychologist confuse their role with their output: They are supposed to determine whether a parent-child unfit will fit together or not; but instead, they fall back on their limited training and experience and render psychologist diagnoses of their desired loser in the case. This is why these "reports" are often nothing more than hearsay bundled into a report that is passed off as evidence in a case.

This evidence is cumulative because both the report and the psychologist's testimony appear in the record together. This evidence is irrelevant because it is not the fit that is opined on it is the desired loser, incapacity that is addressed-often for follow on "therapy" at a price while a child is withheld by court order. This process bears some scrutiny. The parent is found deficient or conflictual. The court appoints a de-confliction, usually a cohort of the court appointed evaluator psychologist while withholding the child from the parent. In the underlying case, the mother latasha had a evaluator and he offered his

services to be the therapist (Mr. Powell) for the mother. This would have allowed the evaluator to fool the mother in question into thinking she would actually be therapized, make reports to the court of how deficient and collect a river of money to correct the mother's problems.

All while her children are withheld by court order. As money fill up the pocket and the child becomes alienated, the parent continues to slog on with training or coordination. Whether, in the form of an evaluation or a report, this evidence is unfairly prejudicial because the label of a psychologist infirmity carries enormous impact even though a psychologist infirmity can be channeled with very positive results. This evidence is not reliable because of the lack of

voir dire and peer review. In essence, the psychologist becomes an anti-court: No court reporter and no record, no cross examination or confrontation, no swearing in: Just the psychologist's con countertransference kicking in with an eye for the desire of the court.

Due process turns on its head. All rules of procedure and evidence are vacated in favor of the musing and decisions of the court appointed psychologist. A protection racket at the appellate divisions

keeps lawyers quiet by the threat to their licensure. As evidence Justice is failing <http://www.youtube.com/watch?v=A3xs2HTVGcs> And see this viral video <http://www.youtube.com/watch?v=rVlKE TfhYMw> Typically, lawyers have to work very hard to earn their licenses to practice law: They are loath to take action that would cause the suspension or revocation of their license. The judge gets a direct injection of haersay conjured up by the psychologist and goes along with the psychologist at the peril of being overturned by the appellate division.

Hence, the judge is engaged in a duel conflict of interest. The first is the judge must split her allegiance between actual justice and musings of the psychologist, and second, the judge must split her loyalty between her court and the influence of the appellate division. Unknown to most judges, these psychologists typically violate the well known prohibition against dual relationships. This is the limitation on the number of roles a psychologist may play at any one time. For example, as will and have happen in the mothers in question's case, Latasha Solomon the psychologist recommends removal of the child from his mother, and then offer to therapize the mother. Hypothetically, a court appointed psychologist can be bribed. He can assemble any hearsay he wants in support of the bribing parents.

Hundred of thousands of innocent parents, accross the nation, can be put, and have been put, through this mill of losing their children and paying the psychologist, with their medicaid card or out of pocket expience. The psychologist therefore get paid twice for the same activity. The effective antidote to this mental health evaluation process is a privately retained and credential psychologist. One Graw, the psychologist introduced to america by Oprah Winfrey on Television.

Dr. Phil as he is called is a professional expert witness who accompanies his clients to court sits in on depositions, reads the documents in the case and takes the stand to render an opinion.

Privately retained experts have no need to testify. They can act as trial consultants as aids and assistants and they do not even need to be licensed in the jurisdiction to do so. This is because expertise transcends geographical boundaries. The psychologist in latasha case is this Dr. Phil. He is planning a strategy which will be allowed to do because he understands the psychologist roadmapping that is essential in a family court case. He understands child development and the trial process on the emotions of a child.

He assists in witness coordination and selection and preparation because of his unique insight as a mental health professional has in a courtroom where the appellate division has usurped the function of the delivery of mental health services. Hence, the mother here is the antidote to the interloping and poisoning of the family cout trial process.

Judge Bernstein on July 21, 2011, issued an order to show cause FG-07-107-12 to justify this feb 9, 2010 order that the plaintiff being accused of committing a crime.. After holding these kids for two years, It was a title 30 proceeding to be heard on Sept 28, 2011. This hearing was had. There was no Corroborating evidence involved. Latasha Solomon was not found guilty of any wrong doing. She was not convicted Of neglect nor abuse. Judge Bernstein is being served as a defendant and have personal interest in the outcome of the matter refuses to return those kids back to the plaintiff and Latasha Solomon.

For above reasons, the defendants without requiring the giving of notice thereof to defendants

or their attorney, issue a restraining order, enjoining defendants, its officers, agents, employees, successors, attorneys and all those in active concert or participation with them, from the specific conduct described hereinabove, pending a hearing and awarding of relief sought via contained in plaintiffs' complaints as other

relief in the same action as this motion, and further request this court for an order setting a date for such hearing.

Joseph W. Higgins
311 Summer Ave Sept 30, 2011
Newark Nj 07104

U.S. DISTRICT COURT
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